

## Message Text

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PAGE 01 STATE 048842  
ORIGIN L-03

INFO OCT-01 ARA-10 ISO-00 SCA-01 SCSE-00 DHA-02 H-02 SY-05  
JUSE-00 PA-02 PRS-01 USIA-15 /042 R

DRAFTED BY L:DFVAGTS:CDJ  
APPROVED BY L:DFVAGTS  
ARA/MEX:JDREYFUSS  
SCA:RHENNEMEYER  
-----060223 044113 /73

R 042147Z MAR 77  
FM SECSTATE WASHDC  
TO AMCONSUL HERMOSILLO  
INFO AMEMBASSY MEXICO

UNCLAS STATE 048842

E.O. 11652:N/A

TAGS: CASC, MX, US

SUBJECT: PRESS COMMENTS ON EXCHANGE OF SANCTIONS TREATY  
IMPLEMENTATION

REF: (A) HERMOSILLO 50 (B) MEXICO 2671

1. THE HERMOSILLO DAILY EL SONORENSE ARTICLE (REFTEL A)  
CONTAINED VARIOUS INACCURACIES WHICH YOU ARE AUTHORIZED  
TO CORRECT.

A. FIRST, NOBODY WILL BE SENT IN EITHER DIRECTION SINCE  
ALL TRANSFERS WILL BE VOLUNTARY. THE FIGURE OF 1200  
MEXICANS REFERS ONLY TO THOSE IN FEDERAL INSTITUTIONS  
AND TAKES NO ACCOUNT OF THOSE IN STATE INSTITUTIONS.  
AMERICAN STATES MAY, IF THEY WISH, PERMIT THEIR PRISONERS  
TO TRANSFER.

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B. THE FIGURE OF 400 COMMITTING ACTS NOT CRIMES IN THE  
U.S. HAS NO BASIS IN FACT. THE TREATY IN ARTICLE 2(1)  
EXPRESSLY PROVIDES THAT NO PRISONER MAY BE TRANSFERRED  
UNLESS ACTS CONSTITUTED CRIME IN BOTH COUNTRIES. DRUG  
OFFENSES FOR WHICH MOST NORTH AMERICANS ARE HELD ALSO  
CONSTITUTE U.S. CRIMES.

C. IT IS PLAIN THAT ACTIONS WILL BE BROUGHT BY RETURNING NORTH AMERICAN PRISONERS TO TEST CONSTITUTIONALITY OF THIS NOVEL TREATY. BOTH STATE AND JUSTICE DEPTS HAVE CONCLUDED THAT THE TREATY IS CONSTITUTIONAL AND JUSTICE DEPT ATTORNEYS WILL DEFEND THE TEST CASES. ANY IMPLICATION THAT THE U.S. DID NOT INTEND IN GOOD FAITH TO CAUSE RETURNED NORTH AMERICANS TO COMPLETE THEIR SENTENCES SHOULD BE DENIED SINCE SUCH IMPLICATIONS UNDERMINING BASIC UNDERSTANDING.

2. (REFTEL B) ALL ESTIMATES TIME OF SENATE CONSIDERATION ARE NECESSARILY INDEFINITE. JUSTICE DEPT REVISED DRAFT PROMISED US BY NEXT WEEK WILL BE FURNISHED EMBASSY. CHRISTOPHER

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## Message Attributes

**Automatic Decaptioning:** X  
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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
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**Original Handling Restrictions:** n/a  
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**Original Previous Handling Restrictions:** n/a  
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**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009